

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

SHAWN HENRY SCRIVENS,)	
)	
Petitioner,)	
)	
v.)	No. 2:21-cv-00077-DDN
)	
AMANDA LAKE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on self-represented petitioner Shawn Henry Scrivens’ (1) application to proceed in the district court without prepaying fees or costs, and (2) motion for appointment of counsel.

Based on the financial information included in petitioner’s application to proceed in the district court without prepaying fees or costs and his attached certified prisoner account statement, the Court determines that petitioner does not have sufficient funds to pay the filing fee. The Court will grant petitioner’s motion.

Also, petitioner has filed a motion to appoint counsel. The motion will be denied at this time. In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). Rather, a district court may appoint counsel in a civil case if the court is “convinced that an indigent plaintiff has stated a non-frivolous claim...and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Petitioner has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be complex.

Accordingly,

IT IS HEREBY ORDERED that petitioner's application to proceed in the district court without prepaying fees or costs is **GRANTED**. [ECF No. 2]

IT IS FURTHER ORDERED that petitioner's motion to appoint counsel is **DENIED without prejudice**. [ECF No. 4]

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on January 19, 2021.